

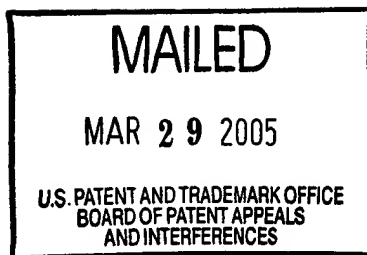
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte HIROSHI TAKANASHI  
and  
TOMOYA KUDO

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Appeal No. 2005-1030  
Application 09/739,750

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ORDER REMANDING TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on March 1, 2005.

According to page 6 of the the Appeal Brief filed July 21, 2003, "[t]he showing of unexpected results was also substantiated by the Declarations filed on September 25, 2000 and May 23, 2000 in the parent application, copies attached." Page 8 of the Examiner's Answer mailed November 4, 2003, states:

The Examiner notes that Examples 1-34 and Table I of the present specification are identical to Experiments 1-34 and Table I of the declaration executed September 25, 2000 and filed in parent application 09/262,077

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on December 20, 2000. A copy of this  
declaration was submitted with Appellant's  
Brief.

We are unable to locate a copy of the September 25, 2000  
declaration in the Image File Wrapper (IFW).

Accordingly, it is

ORDERED that the application is electronically remanded  
to the Examiner:

1. for locating the missing September 25, 2000  
declaration and having a complete copy scanned into the IFW file;
2. for written notification to appellants regarding  
the action taken; and
3. such further action as may be appropriate.

It is important that the Board of Patent Appeals and  
Interferences be informed promptly of any action affecting the  
status of the appeal (i.e., abandonment, issue, reopening  
prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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